

OCT 21 2002

CERTIFIED MAIL

Alberto Santos, Mayor
Town of Kearny
Town Hall
402 Kearny Avenue
Kearny, New Jersey 07032

RE: Access Agreement

Dear Mayor Santos:

The U.S. Environmental Protection Agency (EPA) is conducting remedial activities at the former Diamond Head Oil Refining Corporation, located at 1401 Harrison Avenue, in Kearny, Hudson County, New Jersey.

The City of Kearny is the owner of lands along a portion of this Site; specifically Lots 14 and 15 within Block 285. EPA has determined that access to these lands is needed to effectuate this CERCLA response action, specifically a Remedial Investigation.

The purpose of this letter is to request access to such property. Enclosed please find an Access Agreement for your signature. I have also enclosed a fact sheet regarding the Site for your information.

Please sign and return the enclosed Access Agreement on or before November 8, 2002.

If you would like any further information regarding the status of any other activities at this Site, please feel free to contact me at (212) 637-4430. Thank you for your prompt attention to this matter.

Sincerely yours,

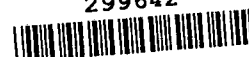
Grisell V. Diaz-Cotto, Remedial Project Manager
Central New Jersey Remediation Section

Enclosures

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

Access Agreement

Town of Kearny

RE: 1401 Harrison Avenue, Kearny, New Jersey
Block 285, Lots 14 and 15

I, the undersigned, am authorized to represent the Town of Kearny, and under such authorization I consent to the officials, authorized representatives, agents, contractors and subcontractors of the U. S. Environmental Protection Agency (USEPA) (including officials and representatives of the New Jersey Department of Environmental Protection) entering and having continued access to the property listed above for conduct of the following remedial investigation activities:

geophysical investigations,

collection of surface soil, subsurface soil, and sediment samples,

collection of surface and groundwater samples,

collection of air samples, and

any other miscellaneous tasks USEPA determines are necessary to conduct its investigation.

I have been informed that these actions by the USEPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (Superfund), 42 U.S.C. §9601 et seq.

I understand that, consistent with the activities described herein, USEPA or its representatives may dispose of any structures, fixtures/appurtenances, and/or personal property which remain on the property listed above, except as otherwise designated by the USEPA in writing.

I agree and acknowledge that it is the Town of Kearny's intent to bind any successors and assigns to all aspects of this Agreement.

I understand that EPA intends to make every effort to avoid or minimize any disturbance or inconvenience which may be caused by the activities listed above, including taking the necessary steps to restore any ground surfaces to their previous condition(s), should that be deemed necessary.

This written permission is given by me voluntarily, on behalf of the Town of Kearny, with knowledge of the Town of Kearny's right to refuse and without threats or promises of any kind.

This Agreement is to take effect on the date it is executed.

Signature _____

Date _____

Name (Printed) _____

Title _____